

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF BROOKHAVEN

ORD 2014-09-02

ORDINANCE AMENDING CHAPTER 4 – *ALCOHOLIC BEVERAGES* OF THE CODE
OF ORDINANCES OF THE CITY OF BROOKHAVEN, GEORGIA

WHEREAS, the Mayor and Council of Brookhaven are charged with the protection of the public health, safety and welfare of the citizens of the Brookhaven; and

WHEREAS, pursuant to Section 1.03(b) of the Charter of the City of Brookhaven, inter alia, the City of Brookhaven has the power to define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare and safety of the inhabitants of the City, and to provide for the enforcement of such standards; and

WHEREAS, the Mayor and Council of the City of Brookhaven hereby find that regulating, prohibiting and/or defining certain conduct as set forth both below will further the goals set for in the Charter and protect the public health, safety and welfare of the citizens of Brookhaven.

BE IT ORDAINED by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same that Sec. 4-126 is hereby deleted in its entirety and replaced with the following:

Sec. 4-126 - Hours of sale and operation.

Distilled spirits shall be sold and delivered to the customer for consumption on the premises during the following hours:

- (a) Monday through Friday hours are from 9:00 a.m. until 2:55 a.m. of the following day.
- (b) Saturday hours are from 9:00 a.m. until 2:55 a.m. on Sunday.
- (c) Sunday hours are from 12:30 p.m. until 2:55 a.m. on Monday as permitted by section 4-128.

Sales and deliveries during all other hours are prohibited. All licensed establishments must close their premises to the public and clear their premises of patrons by 3:30 a.m. and shall not reopen their premises to the public until 9:00 a.m. or thereafter.

BE IT FURTHER ORDAINED by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same that Sec. 4-128(a) is hereby amended as follows:

Sec. 4-128 - Sunday Sales

- (a) Licensed establishments deriving a minimum of fifty (50) percent of their total annual gross food and beverage sales from the sale of prepared meals or food, or licensed establishments deriving at least fifty (50) percent of their total annual income from the rental of rooms for overnight lodging, are authorized to apply for a Sunday sales permit to sell and serve alcoholic beverages, malt beverages and wine by the drink from 12:30 p.m. on Sunday until 2:55 a.m. of the following Monday.

BE IT FURTHER ORDAINED by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same that Sec. 4-147 is hereby deleted in its entirety and replaced with the following:

Sec. 4-147 - Hours of sale and operation.

Beer and/or wine shall be sold and delivered to the customer for consumption on the premises only during the following hours:

- (a) Monday through Friday hours are from 9:00 a.m. until 2:55 a.m. of the following day.
- (b) Saturday hours are from 9:00 a.m. until 2:55 a.m. on Sunday.
- (c) Sunday hours are from 12:30 p.m. until 2:55 a.m. on Monday as permitted by section 4-149.

Sales and deliveries during all other hours are prohibited. All licensed establishments must close their premises to the public and clear their premises of patrons by 3:30 a.m. and shall not reopen their premises to the public until 9:00 a.m. or thereafter.

BE IT FURTHER ORDAINED by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same that Sec. 4-149(a) is hereby amended as follows:

Section 4-149 – Sunday Sales

Section 4- 164- Sunday Sales

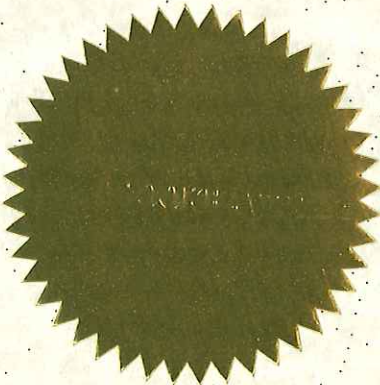
- (a) Licensed establishments deriving a minimum of sixty (60) percent of their total annual gross food and beverage sales of prepared meals of food, or licensed establishments deriving at least sixty (60) percent of their total gross income from the rental of rooms for overnight lodging, are authorized to apply for a Sunday sales permit to sell and serve alcohol beverages by the drink from 12:30 p.m. on Sunday until 2:55 a.m. of the following Monday. No later than March 31st of the license year, licensee shall submit a report on monthly sales by category for the prior calendar year.

Effective date: This amendment shall be effective on June 1, 2015.

Severability: Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Repeal of Conflicting Provisions: All ordinances, part of ordinances, maps, or regulations in conflict herewith are repealed.

SO ORDAINED, this 23rd day of Sept., 2014.



APPROVED:

J. Max Davis, Mayor

ATTEST:

Susan Hiott, City Clerk 9/23/14

APPROVED AS TO FORM:

Thompson Kurrie, Jr., City Attorney

- (a) Licensed establishments deriving a minimum of sixty (60) percent of their total annual gross food and beverage sales of prepared meals of food, or licensed establishments deriving at least sixty (60) percent of their total gross income from the rental of rooms for overnight lodging, are authorized to apply for a Sunday sales permit to sell and serve alcohol beverages by the drink from 12:30 p.m. on Sunday until 2:55 a.m. of the following Monday.

BE IT FURTHER ORDAINED by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same that Sec. 4-162 is hereby deleted in its entirety and replaced with the following:

Section 4-162 – Hours of sale and operation.

Alcoholic beverages shall be sold and delivered to patrons for consumption on the premises only during the following hours:

- (a) Monday through Friday hours are from 9:00 a.m. until 2:55 a.m. of the following day.
- (b) Saturday hours are from 9:00 a.m. until 2:55 a.m. on Sunday.
- (c) Sunday hours are from 12:30 p.m. until 2:55 a.m. on Monday as permitted by section 4-164.

Sales and deliveries during all other hours are prohibited. All licensed establishments must close their premises to the public and clear their premises of patrons by 3:30 a.m. and shall not reopen their premises to the public until 9:00 a.m. or thereafter.

BE IT FURTHER ORDAINED by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same that Sec. 4-164(a) is hereby amended as follows: